

REPLY TO OFFICE ACTION OF 3 JUNE 2004

SERIAL NO: 09/855,042  
DOCKET NO: 149-0161US**REMARKS**

The Examiner is requested to note that: **(1)** a Substitute Power of Attorney form has been submitted with this Reply pursuant to an assignment recorded at Reel 015942 and Frame 0420; and **(2)** the attorney docket number has been changed to 149-0161US.

This paper is intended to be a complete response to the above-identified Office Action. Claims 15-18 stand allowed and claims 1-14 and 19-21 stand rejected. No claims have been amended, added or cancelled by this Reply. Accordingly, claims 1-21 are currently pending in the instant application.

**Section 112 Rejections**

In paragraphs 3-4 of the Office Action, Examiner rejected claims 5-7, 12-14 and 19-21 under 35 U.S.C. 112 first paragraph as failing to comply with the written description requirement because of the use of the term first occasion and second occasion. This rejection is respectfully traversed.

The specification describes that the method of the present invention is implemented on two separate occasions, such as when the user's computer system is started (a first occasion) (Included in the specification, without limitation, at page 6, lines 14-16) and when the user's computer is started again (the second occasion) (included in the specification, without limitation, at page 23, lines 13-15). The summary of the invention also describes two triggering events, one at page 2, lines 19-20 and page 3, line 15.

The specification describes that the triggering event can be other occasions, such as when the user restarts the computer system (Included in the specification, without limitation, at page 6, line 16). Applicants have therefore used the term "occasion" rather than "startup of the computer system" because the description was not limited to the user starting up the computer system.

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Examiner's request for page and line number references is quite reasonable, and Applicant has now supplied them. Applicants appreciate Examiner's careful review of the claims to ensure that they are supported by the specification and we hope Examiner was not too inconvenienced by our lack of pointing out page and line number support for the claim language in the prior response. If Examiner now agrees that claims 5, 12 and 19 are supported by the specification, Examiner is requested to withdraw the objection. The other claims rejected depend from these claims and are believed supported by the specification for the reasons set forth above.

**Section 102 Rejections**

In the fifth and sixth paragraphs of the Office Action, Examiner rejected claims 1-14 and 19-21 under 35 U.S.C. 102(b) as being unpatentable over Fujita (US 5,386,553). This rejection is respectfully traversed.

Claim 1 recites, "requesting a second set of update information responsive to at least the size of the first set of update information". Claims 2-4 depend from claim 1 and contain all of its features.

Claim 8 recites, "computer readable program code devices configured to cause a computer to request a second set of update information responsive to at least the size of the first set of update information". Claims 9-11 depend from claim 8 and contain all of its features.

These claimed features are not shown by Fujita. Fujita addresses receiving a first set of update information having a size at column 2, around line 63. However, Fujita does not request a second set of update information responsive to the size of the first set of update information as claimed. Instead, Fujita uses the size to expand the file by that size so that the update information can be inserted into it (col. 6, lines 49-58). Fujita does not request the second set of update information responsive to the size of the first set of update information as claimed. Examiner in the rejection points to nothing in Fujita that teaches or suggests this function, other than to state in paragraph 12 that Fujita teaches updating information based on the amount of information, but

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this is not what is claimed. Thus, claims 1 and 8 are patentably distinguishable over Fujita. Because claims 2-4 depend from claim 1 and claims 9-11 depend from claim 8, claims 1-4 and 8-11 are patentably distinguishable over Fujita.

Claim 5 recites, "requesting on a first occasion a first set of update information for a first set of information responsive to a list comprising at least one identifier of the first set of information and at least one identifier of a second set of information" and "requesting on a second occasion, following the first occasion, a second set of update information for the first set of information before any update information for the second set of information is requested following the first occasion". Claims 6 and 7 depend from claim 5 and contain all of its features.

Claim 12 recites, "computer readable program code devices configured to cause a computer to request on a first occasion a first set of update information for a first set of information responsive to a list comprising at least one identifier of the first set of information and at least one identifier of a second set of information" and "computer readable program code devices configured to cause a computer to request on a second occasion, following the first occasion, a second set of update information for the first set of information before any update information for the second set of information is requested following the first occasion". Claims 13 and 14 depend from claim 12 and contain all of its features.

Claim 19 recites, "a requester having an input for receiving a list comprising at least one identifier of a first set of information and at least one identifier of a second set of information, the requester for: providing at an output during a first occasion a request for a first set of update information for the first set of information responsive to the list; and providing at the output on a second occasion, following the first occasion, a request for a second set of update information for the first set of information before any update information for the second set of information is requested"

These claimed features are not shown or suggested by Fujita. Fujita at columns 2, 5 and 7 describe a single update of a single set of information, although, as noted in column 6, lines 59-60, two embodiments of performing this update are described.

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However, Fujita does not describe requesting, on a second occasion, a second set of update information for a first set of information before any update information for the second set of information is requested following the first occasion (at which a first set of update information was requested from a list comprising an identifier of the first and second information) as claimed.


The rejection of claims 5, 12 and 19 do not appear to have any basis in Fujita. Fujita does not teach or suggest them. Thus, claims 5, 12 and 19 are patentably distinguishable over Fujita.

Claims 1-21 are in condition for allowance. Favorable action is solicited.

### CONCLUSIONS

Reconsideration of pending claims 1-21 in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

3 MAY 2005  
Date



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